PERPETUITIES, THE LEGAL VALIDITY, AS CONTRACTS, OF OPTIONS TO PURCHASE NOT LIMITED TO THE PERIOD ALLOWED BY THE RULE AGAINST. *T. Cyprian Williams.* 51 Sol. J. 648, 669. See 20 HARV. L. REV. 240.

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SOVEREIGNTY IN A STATE, NOTES ON. Second Paper. *Robert Lansing.* Discussing the relation of state sovereignty to civil and state liberty, to constitutions, and to law. 1 Am. J. of Int. L. 297.

SUPREME COURT, THE POWER OF THE, TO ENFORCE ITS DECREES. *George C. Lay.* Historical survey of the cases in which a state has refused to obey the Supreme Court decrees, and discussion of the possibility of enforcing such decrees today. 41 Am. L. Rev. 515.

TRADE UNIONS AND TRUSTS, ATTITUDE OF THE STATE TOWARDS. *Henry R. Seager.* Contending for uniformity in treatment. 22 Pol. Sci. Quar. 385.

TREATY-MAKING POWER, THE. *L. Atherley-Jones.* Contending that in England today the power to make treaties of alliance should not be so exclusively in the Cabinet. 42 L. J. 511.

TREATY-MAKING POWER, THE EXTENT AND LIMITATIONS OF THE, UNDER THE CONSTITUTION. *Chandler P. Anderson.* An exhaustive historical review of the authorities. 1 Am. J. of Int. L. 636.

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VERDICTS, THE POWER OF APPELLATE COURTS TO CUT DOWN EXCESSIVE. *Robert L. McWilliams.* Contending that the power should exist only when passion or prejudice is shown. 64 Cent. L. J. 267.

II. BOOK REVIEWS.

THE LAW OF TORTS. By Melville Madison Bigelow. Eighth Edition. Boston: Little, Brown, and Company. 1907. pp. xxxv, 502. 8vo.

When Dr. Bishop, in 1892, published his "New Commentaries on the Criminal Law" the work was described on the title page as:

"Eighth Edition"

"Being a New Work Based on Former Editions."

Professor Bigelow might well have followed this example. The so-called Eighth Edition of Bigelow on the Law of Torts is, in large part, a new work. The arrangement of topics is entirely changed; much matter has been added; and, most important of all, some questions of great consequence are viewed from a new standpoint. A large part of the first chapter on "Theory and Doctrine of Tort" has been rewritten. The remainder of the work is divided into two parts, the division being "based upon the special state of mind which caused the conduct in question." Part I (Culpable Mind) comprises cases where the defendant's liability "turns upon his special mental attitude (apart from volition in what was done or omitted)." Part II (Inculpable Mind) comprises cases where the defendant's liability "does not necessarily turn upon his special mental attitude (apart from volition in what was done or omitted)." The most important new matter is in Chapter VI, "Procuring Refusal to Contract," — a chapter wholly rewritten — and in Chapter VII, "Procuring Breach of Contract." The germ of this new matter is to be found in Professor Bigelow's very able contributions to the collection of essays recently published under

the title: "Centralization and the Law." See notice in 19 HARV. L. REV. 395. He now applies to concrete cases the theories there propounded.

An excellent condensed description of his way of looking at things is given in the preface:

"A new point of view has made its appearance out of the agitation of social movements, within the half dozen years since the last edition of this book was in hand. The struggle between equality and inequality — between the public and privilege, and between privilege as capital and privilege as labor — had not at that time proceeded far enough or long enough to make the meaning, much less the outcome, clear. . . .

"Since then the curtain has lifted somewhat and the social movement has found its place in the courts; though it is still uncertain whether equality or privilege will succeed in the end in making itself the will of the state. Even as it is, however, precedent is relaxing its hold under the pressure of the newer social energy, as some of the following pages will show. . . .

"The new point of view, which is that law must be regarded as the resultant of conflicting social forces (less the conservatism of courts and legislatures), — a point of view long hidden from sight in the faint stages of a social era of equality, — is reflected on many pages of this book as it now appears."

All lawyers will not concur in some of Professor Bigelow's conclusions as to the subjects discussed in Chapters VI and VII. But every candid man who has investigated those subjects must acknowledge that the learned author has rendered an immense service by distinctly bringing out vital issues which have not hitherto received proper attention. He has sensibly diminished the danger of future confusion from irrelevant or obscure discussions. We can recall no treatise which states some of these issues so clearly and withal so briefly. These chapters abound in short, crisp statements. Whether one agrees or disagrees with the special views of the author, one must admit that those views are forcibly stated. Witness the following extracts:

P. 238. " . . . any attempt to explain the newer authorities on hindering contract, on other grounds than of the struggle of social forces to make the law, is academic in nature and misleading in fact."

P. 249. " . . . a purpose to put an end to competition is not competition at all."

P. 250. " . . . the defense of competition does not extend to cases in which the defendant's purpose is to eliminate competition. . . . .

" . . . the doctrine of freedom of contract, both in economics and in law, has proved a delusion and has broken down. Legislatures have fully recognized the fact, and the courts are beginning to feel the pressure."

" . . . if competition is to be kept from running into monopoly."

P. 262, n. 3. (As to certain decisions, now discredited.) "But they are interesting cases, standing as they are at the parting of the ways — uncertain of the real effect of the movement going on and so clinging to the past."

The earlier editions of this work held a high place among the treatises on this formerly neglected topic. Bigelow on Torts was always a good book, and now it is better than ever. It is said that the recent publication of so many volumes of cyclopedias and encyclopedias of law has affected the sale of standard textbooks. We would not question the worth of the encyclopedias. Yet, in the investigation of special topics, such books can seldom be a satisfactory substitute for a standard treatise. The lawyer who has to answer an important question in torts will make a great mistake if he looks only at the encyclopedia and ignores the recent editions of Cooley and Bigelow. J. S.

THE LAW OF EVIDENCE. By Sidney L. Phipson. Fourth Edition. London: Stevens & Haynes. 1907. pp. lxxx, 704. 8vo.

Mr. Phipson is to be congratulated upon his book's having passed into its fourth lustrum of life coincidently with its fourth edition. It is the best book now current on the law of evidence in England. Since the last edition more